

Possession of Child Pornography Offense, subd. 4(a): Sentenced 2020-2024

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are person-based, meaning cases represent persons rather than individual charges. Persons sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense. This data request was prepared by the research staff of MSGC in fulfillment of the Commission's statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this request should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

POSSESSION OF CHILD PORNOGRAPHY, SUBD. 4(A)

Analysis:

- Sentenced 2020-2024
- Possession of Child Pornography, Minn. Stat. § 617.247, subd. 4(a)
- Severity Level G

From 2020-2024, 315 people were sentenced for Possession of Child Pornography under subd. 4(a). 251 (80%) had a presumptive disposition of stay and 64 (20%) had a presumptive disposition of commit. None of the cases received an aggravated dispositional departure. 32 (50%) of the 64 people who were presumptive commits received a mitigated dispositional departure. In total, 34 cases received prison.¹ Of the 34 cases that received prison, two received a mitigated durational departure and none received an aggravated durational departure. Four cases received a departure to a misdemeanor/gross misdemeanor sentence. The average pronounced prison term for the 34 cases that received prison was 46.6 months.

Table 1: Sentencing Information for Possession of Child Pornography by Criminal History Score, Sentenced 2020-2024

CHS	Total	Recommended Disposition		Dispositional Departure		Durational Departure (prison only)		Average Pronounced Prison Term
		Stay	Commit	None	Mitigated	None	Mitigated	
0	96	96	0	---	---	1	0	15.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	
1	55	55	0	---	---	1	0	15.0 months
	100.0%	100.0%	0.0%	---	---	100.0%	0.0%	
2	50	50	0	---	---	---	---	---
	100.0%	100.0%	0.0%	---	---	---	---	
3	51	50	1	0	1	---	---	---
	100.0%	98.0%	2.0%	0.0%	100.0%	---	---	
4	21	0	21	8	13	7	1	35.6 months
	100.0%	0.0%	100.0%	38.1%	61.9%	87.5%	12.5%	
5	14	0	14	8	6	8	0	53.1 months
	100.0%	0.0%	100.0%	57.1%	42.9%	100.0%	0.0%	
6+	28	0	28	16	12	15	1	52.7 months
	100.0%	0.0%	100.0%	57.1%	42.9%	93.8%	6.3%	
Total	315	251	64	32	32	32	2	46.6 months
	100.0%	79.7%	20.3%	50.0%	50.0%	94.1%	5.9%	

The most common reasons cited for mitigated dispositional departures were amenable to probation, amenable to treatment, recommended by court services, and shows remorse/accepts responsibility. The prosecutor agreed to/recommended/did not object to the departure in 44% of cases, objected to the departure in 25% of cases, and in 31% of cases the position of the prosecutor was unknown.

¹ Two people demanded execution of sentence where it was not considered an aggravated dispositional departure, bringing the total of offenders that received prison to 34.